

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Jessica Beak

2715 Boardwalk Unit 1511
ATLANTIC CITY NJ 08401

(In the space above enter the full name(s) of the plaintiff(s).)

2715 Boardwalk

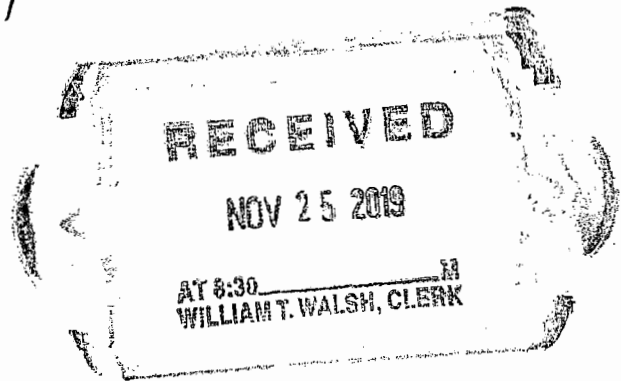
- against -

Ritz Carlton

Condominium Association,
Boardwalk Realty,
Allied Universal Security

COMPLAINT

Jury Trial: ☒ Yes ☐ No
(check one)



(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Street Address

County, City

State & Zip Code

Telephone Number

Jessica Beak

2715 Boardwalk Unit 1511

Atlantic City

NJ 08401

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Rite Carlton Associates
 Street Address 2715 Boardwalk
 County, City Atlantic City
 State & Zip Code New Jersey 08401
609 347 7889

Defendant No. 2

Name Boardwalk Realty
 Street Address 2715 Boardwalk
 County, City Atlantic City
 State & Zip Code New Jersey 08401
609 345 2062

Defendant No. 3

Name Allied Universal Security
 Street Address 650 Blauhorse Bldg
 County, City Plasencia
 State & Zip Code New Jersey 08232
609 383-8855

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions ☐ Diversity of Citizenship
☐ U.S. Government Plaintiff ☐ U.S. Government Defendant

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? ADA LAW

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship USA

Defendant(s) state(s) of citizenship USA

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Please see ATTACHMENT

B. What date and approximate time did the events giving rise to your claim(s) occur? Please see ATTACHMENT

C. Facts: Please see ATTACHMENT

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

please see Attachment A

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

please see Attachment A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of November, 2019

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

E-mail Address

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff:

- 1.) I am disabled and receive a small disability subsidy.
- 2.) My disability qualifies me for Americans with Disabilities Act (ADA)¹ protection because I have physical impairments that substantially limit major life activities; major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, speaking, eating, sleeping, walking, standing, lifting, bending, speaking, learning, reading, concentrating, thinking, communicating, and working etc.
- 3.) I have lived in Ritz Carlton since January 2019.
- 4.) I have disabilities that limit my mobility, ability to think and my activity.
- 5.) The building management was informed of my disability before I moved in on numerous occasions.
- 6.) My disability is visibly noticeable since I use a wheelchair.

¹ ADA is a federal civil rights law

- 7.) I have been subjected to repeated verbal abuse that is demeaning, offensive, and mean-hearted because of my disability and/or problems related to it by the Ritz Carlton Condominium Association (RCCA), Allied Universal Security (AUI), and a Boardwalk Reality (BR) which is next to the security door entrance.
- 8.) I explained that I need space and not harassment as a reasonable request. They have teased me and harassed me more.
- 9.) Upon moving in I do not have access to my mailbox because there is no ramp to access it, which is illegal.
- 10.) I have told RCCA that it is illegal since I moved in, but they say they have made an accommodation but they made no accommodation for me and have not made a ramp.
- 11.) I have been asked to sign in daily to gain entry to my house; however, since I cannot access the swiper or the sign in I have been fined \$700. These fines were never sent to me by mail or provided to me until they reached an amount of \$700 (Exhibit A).

- 12.) A mediator came to see me and she attempted to resolve the issue with Management at the Ritz Carlton Association which failed because they refused to install a ramp to the mailbox or have people give me space and stop harassing me.
- 13.) I was denied access to all the facilities in my building for my guests and myself because of these ADA prejudicial fines.
- 14.) I needed the gym and the pool but were not able to access them.
- 15.) A mediator determined I did nothing wrong and urged that I sign the mediation agreement, which she believed do not remove my rights. I signed it but have not given up my rights (Exhibit B).
- 16.) I have had to pay a locksmith for opening my apartment when other non-disabled residents can have their doors open for a nominal fee.
- 17.) I have asked the mediator to have the RCCA, AUI, and Boardwalk Realty, please take a course to understand ADA, or be sensitive to it and to comply with the law. She said she had no power and/or they had no desire to do so. I seek help with this matter to this Court

- 18.) I have had to sit on the steps of Boardwalk Realty because of my weakened condition and was forcibly removed before my condition improved by the owner of Boardwalk Realty claiming it was "her steps".
- 19.) I have been able to have a professional relationship with many persons who work in RCCA and AUI; however, I have not been able to enjoy my apartment or my life while I have been living in the Ritz-Carlton in Atlantic City because of lack of due care associated with reasonable accommodation.
- 20.) I would please request that this Court issue an injunction relief for all violations to ADA practices to stop, cease the fine for my disability, provide a permanent ramp to gain access to the management and my mailbox, and if possible have Defendants undergo ADA sensitivity training for everyone in this lawsuit.
- 21.) The problems above are ongoing after the mediation took place and reasonably expected to continue.

Respectfully Submitted,

Jessica Berk